

EXHIBIT 14

Confidential Attorneys' Eyes Only

Page 1

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4

5 -----x
6 AUSTIN FENNER and IKIMULISA LIVINGSTON,
7 Plaintiffs,

8 vs.

9 NEWS CORPORATION, NYP HOLDINGS, INC.,
10 d/b/a THE NEW YORK POST and DAN GREENFIELD
11 and MICHELLE GOTTHELF,
12 Defendants.
13 -----x

14
15 C O N F I D E N T I A L

16 ATTORNEYS' EYES ONLY
17

18 VIDEOTAPED DEPOSITION OF MICHELLE GOTTHELF

19 New York, New York

20 Thursday, March 29, 2012
21
22
23

24 Reported by: David Henry

25 JOB NO. 47779

Confidential Attorneys' Eyes Only

| Page 78 | Page 79 |
|--|--|
| <p>1 Gotthelf - CONFIDENTIAL</p> <p>2 A. I did.</p> <p>3 Q. So when you say you have no</p> <p>4 direct knowledge, you mean you weren't</p> <p>5 there when she was fired, correct?</p> <p>6 A. No, I mean she was working in a</p> <p>7 completely different department than me.</p> <p>8 Q. So you were not on the metro desk</p> <p>9 in 2001?</p> <p>10 A. I was not. Well, for half, but</p> <p>11 while Ms. Baird was there, I was not.</p> <p>12 Q. What is your understanding of why</p> <p>13 she was fired?</p> <p>14 MR. LERNER: Objection.</p> <p>15 A. I don't know the specifics.</p> <p>16 Q. Okay. Who would have fired her?</p> <p>17 MR. LERNER: Objection.</p> <p>18 A. I couldn't tell you.</p> <p>19 Q. Was Col Allan editor in 2001?</p> <p>20 A. Yes.</p> <p>21 Q. Would he have been the one to</p> <p>22 make an ultimate decision about firing an</p> <p>23 editor on the metro desk?</p> <p>24 MR. LERNER: Objection.</p> <p>25 A. I don't know.</p> | <p>1 Gotthelf - CONFIDENTIAL</p> <p>2 Q. Other than Ms. Baird, do you know</p> <p>3 of any black editors on the metro desk in</p> <p>4 the history of the newspaper?</p> <p>5 MR. LERNER: Objection.</p> <p>6 A. I'm sorry, the history of the</p> <p>7 newspaper?</p> <p>8 Q. Just do you know of any other</p> <p>9 black editors?</p> <p>10 A. It's a 200-year old newspaper.</p> <p>11 Q. I understand. I'm just asking</p> <p>12 you, can you name any other black editors</p> <p>13 that worked on the metro desk at any point?</p> <p>14 A. On the metro desk, I have been</p> <p>15 there -- in my 11 years, no; 11 and a half</p> <p>16 years.</p> <p>17 Q. Okay, fair enough. I think you</p> <p>18 said that Mr. Haberman was Ms. Livingston's</p> <p>19 direct supervisor -- or let me put it this</p> <p>20 way.</p> <p>21 Was Mr. Haberman directly</p> <p>22 responsible for Ms. Livingston?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A. Yes.</p> <p>25 Q. And would one of these other</p> |
| Page 80 | Page 81 |
| <p>1 Gotthelf - CONFIDENTIAL</p> <p>2 associate editors have been responsible for</p> <p>3 Mr. Fenner?</p> <p>4 MR. LERNER: Objection.</p> <p>5 A. Mr. Fenner, yes.</p> <p>6 Q. Who would that have been?</p> <p>7 A. Mr. Fenner did not have a direct</p> <p>8 supervisor so it would be me and</p> <p>9 Mr. Greenfield.</p> <p>10 Q. Okay, so none of the associate</p> <p>11 metro -- the four listed as associate metro</p> <p>12 editors, Mr. Fenner would not report to any</p> <p>13 of those four people?</p> <p>14 A. He would. We're talking about --</p> <p>15 you're asking, I'm trying to make it clear</p> <p>16 for you. Some reporters have direct</p> <p>17 supervisors.</p> <p>18 Q. Right.</p> <p>19 A. Mr. Fenner didn't because of his</p> <p>20 position, so he would ultimately answer to</p> <p>21 me and Mr. Greenfield, but every editor on</p> <p>22 the metro desk he would answer to as well.</p> <p>23 Q. Right. So unlike Ms. Livingston</p> <p>24 who had basically a direct supervisor who</p> <p>25 was associate metro editor, Mr. Fenner did</p> | <p>1 Gotthelf - CONFIDENTIAL</p> <p>2 not?</p> <p>3 A. Yes, but --</p> <p>4 Q. Go ahead, if you have more to</p> <p>5 add, please.</p> <p>6 A. That's fine.</p> <p>7 Q. Can you describe for me, I guess</p> <p>8 just in general terms at least initially,</p> <p>9 what is the role of these editors who work</p> <p>10 under you?</p> <p>11 MR. LERNER: You're asking</p> <p>12 about the associate editors?</p> <p>13 Q. The associate editors, correct.</p> <p>14 In other words what do they do? What is</p> <p>15 their job?</p> <p>16 A. Some of them have direct reports,</p> <p>17 people that report to them directly. Some</p> <p>18 of them have specific assignments, i.e. the</p> <p>19 political editor, but they are ultimately</p> <p>20 all responsible for gathering news from the</p> <p>21 reporters and making news judgments, and</p> <p>22 giving me the story rides. And then it</p> <p>23 goes beyond that. I can sit here all day</p> <p>24 and explain the entire process.</p> <p>25 Q. Would they ever rewrite stories</p> |

Confidential Attorneys' Eyes Only

Page 198

1 Gotthelf - CONFIDENTIAL
 2 A. To develop story ideas, develop
 3 confidence in people. I mean, sure.
 4 Q. Do you think that a person who
 5 was simply temporarily in the job would
 6 have a good opportunity to develop those
 7 sorts of sources?
 8 A. Eventually. It also depends on
 9 how good the person is.
 10 Q. You say eventually, so in other
 11 words it takes time to develop that, right?
 12 A. Sure, or a really good reporter
 13 can develop it immediately. It all
 14 depends.
 15 Q. But did you have a really good
 16 reporter in mind to take over from
 17 Ms. Livingston when she was taken off?
 18 A. I did not. I eventually put a
 19 very good reporter in there, but at this
 20 time I was wondering what I was go to do
 21 with it.
 22 Q. So why would you remove her when
 23 you didn't have someone to replace her
 24 immediately?
 25 MR. LERNER: Objection. Go

Page 200

1 Gotthelf - CONFIDENTIAL
 2 MR. LERNER: Objection.
 3 A. I said from what I recall two
 4 things. There are not enough for everyone
 5 and field reporters, runner reporters don't
 6 have assigned desks. Ms. Livingston can
 7 come into the office and use a desk
 8 whenever she needs to use a desk. It's
 9 desk assignment -- there's only a number of
 10 them.
 11 Q. Okay, but did you tell Ms. Kelly
 12 and Ms. Jehn that you don't have, quote,
 13 have desks or phones?
 14 MR. LERNER: Objection.
 15 A. I'm sorry, say that again?
 16 Q. Is this correct, it says here,
 17 Michelle stated that there are other runner
 18 reporters who don't have desks and phones
 19 because there are not enough for everyone.
 20 Did you tell them that you did not have
 21 enough desks or phones for all of your
 22 runner reporters?
 23 A. I'm sure that was one. I may
 24 have.
 25 Q. You may have, but you're not

Page 199

1 Gotthelf - CONFIDENTIAL
 2 ahead.
 3 A. Because she wasn't doing well at
 4 it. I've overseen courts at the New York
 5 Post for 11 years. I have had a number of
 6 reporters in Queens court. Ms. Livingston
 7 was not doing a great job at Queens court.
 8 I was figuring out what my next step was.
 9 It's my job. I reassign people.
 10 Q. Did Ms. Livingston know people at
 11 the Queens courthouse?
 12 MR. LERNER: Objection.
 13 A. I would assume she did, since she
 14 was based in the Queens courthouse.
 15 Q. But you don't know for certain?
 16 A. No, you don't know for certain.
 17 Q. All right, let me direct your
 18 attention to the next paragraph. It's the
 19 paragraph beginning Michelle stated that
 20 there are other runner reporters who don't
 21 have desks or phones because there are not
 22 enough for everyone. Do you see that?
 23 A. Yes.
 24 Q. Is that accurate, what you said
 25 to Ms. Kelly and Ms. Jehn?

Page 201

1 Gotthelf - CONFIDENTIAL
 2 sure?
 3 A. I'm not sure. Yeah, I'm not
 4 sure.
 5 Q. The bottom sentence says Michelle
 6 said Kim never asked for a phone number at
 7 the office. If she had it would have been
 8 an easy request because you can have a
 9 phone number without being assigned a
 10 phone. Do you see that?
 11 A. Sure.
 12 Q. So was the issue that she didn't
 13 have a phone or that she did not have a
 14 phone number?
 15 MR. LERNER: Objection.
 16 A. I only remember an issue about a
 17 desk.
 18 Q. Okay, did Kim ever ask you -- and
 19 again, this is going back to your meeting
 20 with Ms. Livingston. Did Kim ever ask you
 21 for a desk at that meeting where you told
 22 her she was being taken off the Queens
 23 courthouse?
 24 A. No, she asked me to see if she
 25 can get a desk. I don't remember a phone.